

A C T S<sup>c</sup>  
OF  
SEDERUNT  
OF THE  
L O R D S  
OF THE  
SESSION,  
Past since February 1681.

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EDINBURGH,  
Printed by the Heir of *Andrew Anderson*, Printer to  
Their most Excellent Majesties, Anno DOM. 1691.

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A C T S  
OF THE  
SENATE  
OF THE  
UNITED STATES  
OF AMERICA  
Passed February 1881

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# ACTS of SEDERUNT OF THE LORDS of the SESSION, Past since February, 1681.

ACT, allowing all persons to sell Flesh in Edinburgh on the Mercat-dayes,  
February 17. 1682.

**T**HE Lords of Council and Session Considering, That by the 122 Act of the seventh Parliament of King James the 5th. It is Statute and Ordained, That upon the three Mercat days weekly, all manner of persons, both to Burgh and Landward, shall be free to come and sell Flesh in the Town of Edinburgh, for the furnishing of Our Sovereign Lord, and his Leidges, and others repairing to the said Town; And it being the general concern of all his Majesties Subjects, who have occasion to resort to, and reside in the said Town, attending the Supream Judicatories of the Kingdom; that so just and necessary an Act be duly observed; and that some persons upon pretence of Priviledge or Custom, may not take on them to have the only Right to sell Beeff, or other Boutcher Flesh in the said Burgh, excluding others, and thereby exact exorbitant rates at their pleasure: Therefore the Lords of Council and Session, in pursuance of the said Act of Parliament, Do Require the Magistrats of Edinburgh, to take care, that in time coming; all persons whatsoever be allowed liberty and freedom upon the ordinary Flesh mercat dayes each Week, viz, Tuesday, Thursday and Saturday, to bring in to the Town of Edinburgh, Beeff, and all other Boutcher-flesh, and to sell the same in the Mercats, in the same manner, during the same space, and as freely in all respects, as the Flethers Burgesses of the said Burgh, and of other Royal Burghs within this Kingdom, are in use to do; and that the Magistrats allocate to the saids persons, convenient places in the Mercat, where they may be accommodat with Shambles, Stocks and Stands, for breaking out, and selling of the Flethes brought in by them: And to the effect this may be made publickly known, the saids Lords appoints the Magistrats of the said Burgh, to issue a Proclamation conform to this Act, and to cause Print and Publish the same, in the usual manner, betwixt and the twenty two day of February instant, and to be careful that due obedience be given thereto, as they will be answerable.

ACT, concerning the passing of Bills of Suspension upon Juratory Caution,  
November 8. 1682.

**T**He Lords of Council and Session Considering, the inconveniences that may ensue from the frequent passing of Bills of Suspension upon Juratory



tory Caution, The Chargers for the most part, having no notice, that they might object against the same: For preventing whereof, the Lords do Ordain, that in time coming, when any person is to give in a Bill of Suspension, that he cause a Notar make previous Intimation thereof, (bearing the particular day,) before Witnesses, to the Party Charger personally, or at his Dwelling-place, if he be within the Kingdom, and that the Instrument of Intimation be produced with the Bill, and that the Bill be given in to the Clerk within six days, after the day mentioned in the Instrument, otherways that a new Instrument be taken before the Bill be presented, and that the Ordinary on the Bills, in time of Session, before Reporting the Bill, containing Caution, and the three Lords Ordinars, in time of Vacance, before passing such Bills, cause publickly call the Chargers, against whom the saids Instruments are produced; And the Lords do Ordain, that the Suspender shall Depone, whether he hath Lands in Property, or Liferent, or Bonds, Tickets or Contracts, containing sums of Money; and in case he acknowledge the same, that he condescend thereon, and Depone that he has no other Lands belonging to him, nor Bonds, Tickets, or Contracts, containing sums of Money, and that this be a part of his written Oath; And that the said Suspenders, before expeding of the Bills, shall Consign in the hands of the Clerk of the Bills, valid and sufficient Dispositions, or Assignations (at the sight and appointment of the Lord Ordinar) of the saids Lands and sums of Money. And in respect Parties do always offer sufficient Caution in the Bill of Suspension, to the effect the same may the more easily pass, and thereafter apply for a Supplement; whereas, if the Ordinary who past the Bill, had been acquainted, that sufficient Caution was not to be given, he would have been more strict in finding the Reasons relevant, for passing the same; Therefore the Lords do Ordain, that no Bills of Suspension, bearing offer of sufficient Caution, shall be expedie upon Juratory Caution; But that the Party Suspender shall give in his Bill, bearing, *Juratory Caution*, and that the Ordinary may consider the Reasons, with respect to the Juratory Caution, as if the former Bill containing the same Reasons had not been past: And the Lords Discharges the taking of Oaths in supplement by Commission; And finds that the Suspender must compar and Depone before the Ordinary on the Bills, and that no Charge to set at Liberty be past upon Juratory Caution.

*A C T, ordaining the Clerks of Session to take Bond of their Servants, not to Agent in Processes.* November 28, 1682.

**T**HE Lords of Council and Session Considering, that albeit by the Act of Parliament, concerning the Regulation of Judicatories, It is Ordained, That all the Agents be debarr'd the House, and not permitted to Negotiate in, or manage Processes; And it is recommended to the saids Lords to see the same punctually observed; yet some Servants in the Clerks Chambers, presume to be ordinary Agents for Parties in Processes, which is a direct contravention of the Act of Parliament, and of dangerous consequence, that the Clerks Servants, having under their Masters, the trust and custody of Processes, and of Writs produced therein; and being employed in Extracting of Acts and Decrets, should be Agents in these Processes: Therefore the saids Lords do Require the Clerks of Session, to cause all their Servants in their respective Offices, give Bond, that during their Service, they shall not Agent in Processes, for any of the Parties, under the pain of an hundred pounds *scots, sozies quoties*, to be put in the Box, to be disposed of at sight of the Lords; and that they cause any persons whom they shall hereafter take



in, to serve them in their Chambers, give the said Bond at their entry; And the Lords recommends to the Lord Register to see this Act put in punctual execution.

*ACT, concerning Commissions to Sheriffs in that part for giving Infeftment.*

January 20. 1683.

**T**He Lords of Council and Session considering, That His Majesty doth sometimes sustain prejudice by the granting of Commissions to certain persons, as Sheriffs in that part for giving Infeftment, in regard these persons, who ought to receive the Retoured Duties, and be countable for the same, are sometimes insolvent; For remeid whereof, the Lords do Ordain, That any Warrant to be past by them hereafter, to the Director of the Chancellery, for granting a Commission to a Sheriff in that part, for giving Infeftment, shall contain this Clause, *That before the expeding of the Commission, Caution be found to the Lord Thesaurer, or Thesaurer-deput, That the Sheriff in that part shall be countable for the Retoured Duties, and that the same be attested under the hand of one of the Clerks of Exchequer, and that the Director Record the Commission in the Books of the Chancellery.*

*ACT, concerning the payment of the Secretaries Dues, where Reasons of Suspension are discussed upon the Bill.*

November 6. 1683.

**T**He Lords considering, that by an Act of Sederunt, dated the twenty fourth day of January, 1679. It is Ordered that the Lord Secretaries Dues should be payed, where the Reasons of Suspension are by warrant of the Lords discussed upon the Bill, sicklike as if the Suspension had been past and expedate at the Signet: And to the end the said Act may be made effectual, The Lords Ordains, that in time coming, when any Warrant shall be given by them, for discussing the Reasons of Suspension upon the Bill, either upon Petitions presented to that purpose, or upon Report from the Ordinary upon the Bills, that the Suspender do immediatly make payment of the Secretaries Dues to the Keeper of the Signet, and obtain his Receipt of the same, either upon the back of the Bill, or on a Paper a-part; and if the same be not done before the Bill be called by the Ordinary upon the Bills, the Lords impowers the Ordinary to refuse the Bill of Suspension, and appoint the Letters to be put to further execution, notwithstanding of any former Warrant sisting execution, or appointing the Reasons to be discuss upon the Bill.

*Warrant for Letters of Horning for delivery of Consigned Money to the Clerk of the Bills.*

December 22. 1683.

**T**He Lords of Council and Session considering, that it is just and reasonable, that any sums of Money which were Consigned in the hands of the Clerk of the Bills for the time, should be transmitted to the present Clerk of the Bills, to be kepted by him, and to be made forthcoming to the respective parties who shall be found to have right thereto: Therefore the said Lords Ordains Letters of Horning on fifteen dayes to be direct at the Instance of the Lord Register, against any persons now living, who were Clerks to the Bills, and against the Representatives of those who are deceased, Charging them to give up, and deliver to the present Clerk of the Bills, all sums of Money which were Consigned in their hands, during the time of their exercising the said Office, as the same are marked in the Records of the Office.

and which were not given up again to the Parties, by warrand of the Lords; and ordains these Presents to be insert in the Books of Sederunt.

*ACT Ratifying the Act of the Faculty of Advocats, anent the payment of Dues by Intrañt Advocats. January 28. 1684.*

**T**HE which day, anent the Petition given in to the Lords of Council and Session, by the Dean and Faculty of Advocats, shewing, That where the Lords, by their Act of Sederunt, dated the Twenty eighth of February, One thousand six hundred sixty two years, did Ordain all Advocats admitted since January One thousand six hundred and fourty eight, and deficient in payment of their dues to the Faculty, payable to them for the use of their Poor, and other Publick Affairs, and all who should be admitted thereafter to pay the same; and ordained Letters of Horning and Poynding upon six days to be direct against such Deficients, upon a Subscribed Roll given in by the Thesaurer of the Faculty, & no Suspension to pass thereof, but upon Confignation: And since that time the Faculty having founded a Library for themselves & the Colledge of Justice, which is come a very great length, and doth further intend to erect a profession of Law, and todo several other things towards the advancement of that Study in this Kingdom: They by their Act dated the First day of January, One thousand six hundred seventy eight years, unanimously augmented the saids dues upon Intrañt Advocats, to five hundred Merks, to be payed by such as should enter in the ordinary way upon Examination, and to a thousand Merks upon such as should importune the Lords to enter by Bill, or any extraordinary manner, which few or none hitherto have refused to pay being sensible of the good of so useful a Work. And therefore craving, that the Lords would be pleased, for the encouragement of this honourable and useful design, to Authorize the said Act of the Faculty, and ordain Letters of Horning to pass against all Deficients for the saids Dues, and no Suspension to pass thereof, except upon Confignation, as formerly; or otherwise that the Lords would be pleased to ordain them to be debarred, ay and while they pay the same. Which Petition, and Desire thereof, being Read, Heard, and Considered by the saids Lords, and they being therewith well and ripely advised, The Lords of Council and Session have approven, and hereby approve of the Faculty their erecting of their Bibliothek, and of their design for establishing a Professor of Law, as a thing useful and expedient for the Colledge of Justice, and profitable for the whole Nation: And for their better encouragement, and enabling them in the prosecution of such a publick and necessary work. The Lords have Ratified and Approven, and hereby Ratifies and Approves, the Act of the Faculty, dated in January One thousand six hundred seventy eight, Imposing the Sum of five hundred Merks Scots upon all Advocats entering in the ordinary way, by Examination, and the Sum of one thousand Merks upon all such as do enter extraordinarily by Bill, without Examination, to be payed to the Thesaurer of the Faculty for the time; and have allowed, and hereby allows the said Act to be put in execution against all Advocats who have entered since the said Act, and have not payed the said Dues, or shall hereafter enter, by debarring of them from their Employment, as Advocats, ay and while the said Dues be payed; Reserving always to the Lords a power of Modification of the Sum of five hundred Merks, payable by such Advocats, as shall enter upon Examination, where they shall find Cause: And Ordains these presents to be insert in the Books of Sederunt; and have Rescinded, and hereby Rescinds all prior Acts of Sederunt, that may derogate from the same,

*ACT concerning Decrets of Adjudication.*

February 26. 1684.

**T**H E Lords of Council and Session considering, that by the nineteenth Act of the third Session of his Majesties Second Parliament, concerning Adjudications, it is Statute and Ordained, that in place of Comprisings, the Lords of Session, upon Processess raised before them, at the instance of any Creditor against his Debtor, shall Adjudge and Decern to the Creditor, in satisfaction of his Debt, such part of the Debtors Estate, consisting in Lands and other Rights, which were in use to be Apprised, as shall be worth the Principal Sum and Annualrent then resting to the Creditor, and a fifth part more, besides the Composition to the Superior, and Expences of the Infesment; Likeas, by the said Act it is provided and declared, That in case the Debtor shall abstract the Writs and Evidents of the Lands, and other Rights to be Adjudged, and shall not produce a sufficient Right thereof, and deliver the same; or Transumps thereof to the Creditor, as the Lords shall judge necessary; and in case he shall not Renounce the Possession of the Lands, and other Rights to be Adjudged, and Ratifie the Decreet of Adjudication, in that case it shall be leifome to the Creditor to Adjudge all or any Right belonging to his Debtor, in the same manner, as he might have Apprised the same, conform to the Act of Parliament 1661. anent the payment of Debts betwixt Debtor and Creditor, in all points, under the Reversion, and with the power competent to other Creditors, exprest in the said Act. And albeit it appears by the foresaid Act of Parliament, that where the Adjudication is special, and proceeds upon Probation of the Rental, and the Debtors production of the Writs, the Decreet ought to be for the Principal Sum, Annualrents thereof, and a fifth part more without the Penalty of the Bond; but where the Adjudication is general, in absence of the Debtor, without Probation of the Rental, the Decreet ought to be for the Principal Sum, Annualrents and Penalty (if any be) contained in the Bond or other Writ, which is the ground of the Adjudication; yet by mistake of the Clerks and their Servants, some Decrets of Adjudication have been Extracted, Adjudging the Debtors whole Lands, in satisfaction of the Principal Sum, Annualrents, Penalty, and a fifth part more. And the Lords, in some cases which have occurred before them, being unwilling hitherto to annul these Adjudications, have restricted the same to the Principal Sum, Annualrents, and Penalty accumular, contained in the Decreet; in regard the style of the Summons, concluding a fifth part more, hath given occasion to the foresaid error; but finding it expedient that the Leidges be in a certainty as to this point for the future, they declare, that if hereafter any Decrets of Adjudication, proceeding without probation of the Rental, and Adjudging the Debtors Estate in general, without restriction, shall be Extracted for a fifth part more, they will not sustain and restrict these Decrets of Adjudication, but will find the same void and null, as if they had never been pronounced, And to the end the Leidges may be certiorat herein; ordains this Act to be published at the Mercat-Cross of Edinburgh.

*His MAJESTIES Warrant, excoeing the Lords of Session from payment of Taxes.*

November 19. 1684.

**T**HIS day the Lords ordained a Letter from his Majesty to the Lord High Thesaurer, and Thesaurer-deput, containing a Warrant, discharging the uplifting of Taxes or Supplies from the saids Lords, or their



cessors, to be Recorded in the Books of *Sederunt*; of which Letter the Tenor follows.

CHARLES R.

**R**ight trusty, and right well beloved Cousin and Counsellor, and right trusty and well beloved Counsellor, We greet you well. Whereas out of a regard to what is earnestly recommended to Us in the Third Act of Our current Parliament of that Our ancient Kingdom, We did, by Our Letter of the 30. day of *December* last bypast, discharge you from granting exemptions to the Lords of Session, and some other persons, from paying their proportions of the Taxations and Supplies, at several times granted unto Us by Our Parliaments and Conventions of Estates of that Our Kingdom, yet finding by a Letter to Us from the Lords of Session, bearing date at *Edinburgh*, the twenty third of *February* last, that their Immunity and Exemption from payment of all Taxes, Contributions, and other extraordinary Charges were secured unto them, by the Law of the Kingdom, at the first Institution of the Colledge of Justice, by the sixty eight Act of the fifth Parliament of King *James* the Fifth; and that this Priviledge and Immunity hath been fully Ratified and Approven, by all Our Royal Predecessors since that time, in most Parliaments; and lastly, by Our Royal Self, in the eight Act of the second Session of Our second Parliament, which states them in a different case from others, to whom We were Graciously pleased, out of Our Royal Bounty, to Grant Exemptions from publick Burdens; We have now thought fit to let you know, That in consideration of the Premises, and of their eminent Services to Us, and that Our Kingdom, We are Resolved, That their said Immunity and Exemption shall be for the future, as it hath been formerly continued unto them, as being their Right, Established by Law; And therefore We Do hereby Prohibit and Discharge you and your Successors in Office, from suffering any Taxes, Supplies, Contributions, or other extraordinary Charges, to be uplifted, or called for from any of the saids Lords of Session, or their Successors in that Court, notwithstanding of any Orders formerly Granted by Us (particularly in Our said Letter, of the thirtieth of *December* last) to the contrary; Provided nevertheless, as it is Our expresse Will and Pleasure, that no other person or persons whatsoever be freed from any such Taxation, but that on the contrary they be indispensibly lyable to the payment of their proportional shares of all Taxations, Supplies, and other publick Burdens Imposed, or to be imposed by Our Parliaments, or Convention of Estates, upon the rest of Our Subjects of that Our Kingdom, conform to the Intent and Meaning of the said third Act of Our Current Parliament; For all which this shall be to you, and all others who may be therein respectively concerned, a sufficient Warrant: And so We bid you heartily Farewell. Given at Our Court at *Whitehall* the fifth day of *April* 1683. And of Our Reign, the 35<sup>th</sup> year. Subscribed thus by His Majesties Command, *Murray*. Which Letter is directed on the back thus: To Our right trusty and right well beloved Cousin and and Counsellor, and Our right trusty and well beloved Counsellor *William Marquess of Queensberry* our Thesaurer principal, and *John Drummond of Lundee*, our Thesaurer-Deput of Our Antient Kingdom of *Scotland*.



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*ACT, Discharging the Printing of Informations.*

January 2. 1685.

**T**HE Lords of Council and Session upon divers good Considerations, Do Prohibite and Discharge Printing of any Informations, or other Papers relating to Processes intended before them, or any Interlocutors, Acts or Decrets in these Processes; and Discharges all Printers within this Kingdom to receive in any of these Informations, or other Papers above-mentioned, to be Printed, without an express Warrant from the saids Lords.

*WARRANT for Registrating Dispositions of Bankrupts Lands in the Books of Session.*

January 10. 1685.

**T**HE which day the Lords ordained the Dispositions to be made of Bankrupts Lands, by these having Commission from them to sell the same, conform to the 17th Act of his Majesties 3d Parliament, in Anno 1681. To be Registrar in the Books of Council and Session, by the ordinary Clerks of Session, and appoints a separate Register-Book to be kept in each one of the Clerks Chambers, wherein these Dispositions may be Recorded, with a Minut-Book relating thereto.

*ACT relating to the Sale of Bankrupts Lands.*

March 13. 1685.

**E**Orasmuch as upon a report made this day to the Lords of Council and Session, by one of their number, of two Dispositions of Sale of Bankrupts Lands, granted conform to the Order and Method prescribed by the late Act of Parliament, in the year 1681. That Point did occur to be considered by them, concerning the obligation of Warrandice in the Dispositions to be granted by Creditors of their Rights to the Purchaser: For clearing whereof, the Lords do Declare, that the Creditors who are preferred to the price of the Lands upon payment, shall be holden to Dispose their Rights and Diligences used at their instances, in favours of the Purchaser, with Warrandice quoad the Sums received by them; so that in case of Eviction of the Lands Disposed, they shall be liable to refund these Sums in whole, or in part, effeiring to the Eviction, and the Sums payed to them, with the Annual rent thereof, only from the time of the Sentence; providing always Intimation be made to the saids Creditors of the Process for Eviction, before Litis-contestation in the Cause; and the Lords Declare this to be the import of any former obligations of Warrandice given by Creditors in the case fore-said.

*ACT in favours of the Under-Clerks, anent the payment of their Dues, where Commissions are granted.*

November 17. 1685.

**T**HE which day, anent a Petition given in to the Lords of Council and Session, by the Under-Clerks of the Session, mentioning, that where the greatest part of all their trouble and pains, in Processes wherein they are Clerks, is in these that comes the length of Litis-contestation and Probation led therein; and after several Debates, Writing of Minuts, Extending of Scrolls again and again; all the benefit they can expect for their pains, is by payment for the Depositions of Parties and Witnesses, conform to the Act of Parliament: But when the Lords grants Commission (as is now very frequent) to Examine Parties and Witnesses in the Country, the Petitioners get nothing, and are thereby frustrat of all the payment which they expected, and used, to get for their pains: And therefore craving, that

the Lords would allow the Petitioners the half of the ordinary dues, where Parties and Witnesses are Examined by Commission; whereby they will be encouraged to serve the Lords and the Ledges more chearfully. Which Petition being considered by the saids Lords, They Found the desire thereof just and reasonable, and do Ordain, that in time coming, when Commissions shall be granted by them, for Examining of Parties, or Witnesses, that the Under-Clerks shall have the half of the ordinary Dues which are payed to them, where Parties and Witnesses do Compear before the Lords, and Depone, viz. A Merk for each Party, and half a Merk for each Witness Examined by Commission, to be payed at the return of the Report and Commission, before an *Avifandum* be put up in the Minut-book. And ordains these presents to be insert in the Books of *Sederunt*.

*ACT Concerning Processes of Cessio Bonorum.*

December 1. 1685.

**T**HE Lords of Council and Session taking to their Consideration the abuses which have lately crept in, by the Clandestine calling and carrying on of Processes of *Bonorum* in the Outer-house, whereby the same comes not timeously to the knowledge of the Creditors concerned, that they may be heard; and that several persons have procured Decrets of *Bonorum*, who in Law ought not to have the same: For remeid whereof, the Lords do Ordain, that in time coming, after a Summons of *Cessio Bonorum* shall be called by the Clerks in the Outer-house, albeit there be no Compearance at the calling for any of the Creditors, yet the Process shall be Enrolled in the next Weeks Roll for the Outer-house, and a Roll of the names of all the Creditors convened in that Process affixed on the Wall of the Outer-house, and Ordains, that in the Summons, there be specially Libelled the occasion and way how the Pursuer came to be *lappus bonis*, and that he adduce Probation, or produce sufficient Instructions or Evidences of the same in the Process: And ordains this Act to be insert in the Acts of *Sederunt*.

*ACT Declaring the Clerk of the Bills lyable for the Parties Damage where he refuses a sufficient Cautioner.*

February 18. 1686.

**T**HE Lords of Council and Session, considering that Parties may be prejudged, not only by the Clerk of the Bills, his receiving of insolvent Cautioners, but also by his refusing of Cautioners, who are sufficient, therefore they Declare, that the Clerk of the Bills shall be lyable for the Parties Damage, alsewel where he refuses a Cautioner who is sufficient, or is holden and repute to be sufficient, as where he receives an insufficient Cautioner.

*ACT Concerning the Order of the Lords going to the Side-bar, and Reporting of Causes.*

November 4. 1686.

**T**HE Lords of Council and Session, for avoiding Confusion at the Side-bar, do Ordain, that only two Lords in one day, (beside the Ordinary on the Bills) shall go to the Side-bar to call Process, and One of them only at one time, and that in the Order following, viz. First, these Two, who were Ordinaries in the Utter-house, the two weeks immediately preceeding, and the next day, these two, who were immediately before them, and so forth the rest of the Lords, and that there be no exchange of days among the Lords. And the Clerks are discharged to write any Minut, in any Process called at the Side-bar, con-

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trait to the Order and Regulation above-mentioned, upon pain of Deprivation; And likewise, that the Lord, who was Ordinary in the Utter-house, the immediat preceeding week, and no other, without his allowance, may go out to the Bench, in the Utter-house, and from nine a-clock, untill the Ordinary come out, call any Proceſs, wherein he had formerly pronounced Aſſ, Decreet, Proteſtation, or Interlocutor; and upon Application of any of the Parties, ſhall find Cauſe to hear the ſame again; Providing always the Parry apply within the ſpace of a week, after the pronouncing of the Aſſ, Decreet, Proteſtation or Interlocutor, after which time, the Lords diſcharges the Calling or Hearing of the ſame, either upon the Bench, or at the Side-bar, but leaves the Parties to ſeek remedy by Suspension, or Reduction, as Accords. And to the effect the Parties, and their Procurators may know the particular days of the reſpective Ordinaries weekly, they Ordain the Keeper of the Rolls, for the Utter-house, to affix upon the Wall each Munday weekly, the particular days, and Names of ſuch Lords as are to be Ordinaries, at the Side-bar, the week following. And the Lords diſcharges the Clerks in the Inner-house to read any Petitions, in relation to any Interlocutors pronounced in the Utter-house, except the Petition bear, that the Party had Applied to the Ordinary, whom he ſhall name, and that he had reſuſed to give them the Lords Anſwer, upon an amand, conform to the late Aſſ of Parliament, Anent the Regulations; and the Lords Ordain, that in time coming, only two Lords in one day Report Cauſes, and that they do the ſame, as they ſtand in Order, in the Squadrons. And that the Keeper of the Roll, for the Utter-house affix upon the Wall, each Munday, the Names of the Lords, who are to Report Cauſes that week, and the particular days whereon they are to Report, and Ordain, that the Informations to be given to the Lords ſhall mention on the back thereof, by what Lord the Cauſe is to be Reported.

*Order Concerning Gratis Warrants.*

November 20, 1686.

**T**HE Lords of Council and Session do Ordain, that any Petitions, which ſhall be given in hereafter, by Perſons craving the benefit of the Poors Roll, ſhall condeſcend upon the Proceſs, wherein they are Purſuers, or Defenders, upon account whereof, they deſire that benefit, and that the Warrant for En-rolling them amongſt the Poor ſhall be reſtricted to theſe Proceſſes allenarly, and the Warrant to continue only, for three years, unleſs the ſame be renewed.

*ACT Anent the Ordering of the Inner-house.*

December 16, 1686.

**T**HE Lords of Council and Session conſidering, that by the ancient Cuſtom, no Perſons of whatſoever quality, were permitted to come within the Bar of the Inner-house, during the time of debating Cauſes, except his Maſtieſties Advocat, the Clerks of Session, the Clerk of the Bills, and his Deputy, and one Macer. They do Revive that Cuſtom, and Ordain the ſame to be duly obſerved in time coming, diſcharging hereby the Macers to permit any Perſons, except thoſe abovesaid, to come within the ſaid Bar, as they will be anſwerable on their perſon. And in caſe any Perſon be deſirous to ſpeak with any of the Lords, while they are upon the Bench, that he call for a Macer at the Door, and give notice thereof by him. It is alway hereby Declard, that the



Lord Thesaurer, and Thesaurer Deput, or the Commissioners of His Majesty's Thesaurary, not being of the Bench, shall be allowed to be within the Bar, when the King's Causes are called, and Debated, and no other ways.

*A C T Impowering the Magistrats of Edinburgh to impose a Stent of 500 pounds Sterling yearly, for cleansing the Town for three years.*

January 29. 1687.

**T**HE Lords of Council and Session considering, that by an Act of the last Parliament, the Magistrats of *Edinburgh* are ordained to lay down effectual ways, for preserving the Town, Cannongate and Suburbs, from Nastiness, and freeing the same of Beggars, which repair in and about the Burgh, under the Pains and Certifications therein express; And the Lords of Session, are by the said Act, appointed to meet with the Magistrats, and to receive from them rational Proposals to that effect, who are likewise Authorized with consent of the Magistrats, to impose such Taxes upon the Inhabitants, Burgeses and others, as they shall find just and necessary, for cleansing the Town, and in pursuance of the said Act of Parliament. The Lords of Session having several times met with the Magistrats, and at last resolved, and condescended upon a method of cleansing the Town of *Edinburgh*, Cannongate and Suburbs, from Filth and Nastiness, and of purging and freeing the same of Beggars, repairing in and about the said Burgh, as is more fully Express, and Insert in the Articles, under the hand of Sir *Alexander Gibson*, one of their Clerks. And the said Lords being convinced, that for the effectual Performance thereof, it will at first, require some considerable Expence to be Debursed, for that end, Therefore the Lords of Council and Session, conform to the Power granted to them, by the said Act of Parliament; And for the Magistrats, their Encouragement to perform the same effectually, Do, with Consent of the Magistrats, Authorize and Impower them, to Impose a Stent of five hundred pounds Sterling yearly, for the space of three years, Commencing from the Term of *Candlemas*, in this year, one thousand six hundred and eighty seven; upon all the Inhabitants, Burgeses, and others within the Town, Cannongate, and Suburbs thereof; according to the Rents of the Houses posselt by them, to be Employed, for defraying the Expence of Cleansing the Town, and freeing the same of Beggars: And the said Lords do hereby Declare, that it shall be always Competent, and in their Power, to Ordain and Prescribe, what further methods they shall find expedient, and necessary from time to time, for Cleansing of the said Town of *Edinburgh*, which the Magistrats shall be holden to perform, without craving any further Imposition, or Expence, than what is hereby Granted, and Declares, that if the Magistrats shall be any ways Remiss, or Negligent, and shall not effectually Cleanse the said Burgh, and free it of Beggars, in and about the same, the Imposition hereby Granted, shall Expire, and become null and void, and the Magistrats shall Incur and be Lyable to the Certifications contained in the said Act of Parliament. And for the further Encouragement of the Magistrats in this matter, the Lords of Session, for themselves, and likewise the Advocats, Clerks, Writers to the Signet, and other Members of the Colledge of Justice, have voluntarily and freely offered to be lyable for payment of their respective Proportions of the for-said Sum, according to the Rents of the Houses, which they posselt. It is always hereby Declared, that this Offer shall no ways prejudice the said Lords, and Remanent Members of the Colledge of Justice, as to their Pri-  
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viledge of being free from all Stents, and Impositions, within the Town of *Edinburgh*: And the Lords do Declare, that they will appoint two of the Colledge of Justice, to be present, when the Stent shall be made, for the said Sum, to see that the same shall be equally Imposed; and for that effect, appoint the Magistrats to give timely Intimation to them, of the time of making the said Stent. And Ordain this Act to be insert in the Books of Sederunt.

*Sentence in Favour of the Members of the Colledge of Justice, against the Town of Edinburgh, February 23. 1687.*

**T**He Lords of Council and Session, having considered the Summons of Declarator, raised at the Instance of the Members of the Colledge of Justice, of their Priviledges against the Town of *Edinburgh*; The Suspension raised by them of the Charges given at the Instance of the Town, for payment of the Annuitie, and the Bill of Suspension given in of the Charges for their Proportions of his Majesties Supply, the Answers made thereto for the Town, and whole Disput proponed for either Party; with the Acts of Parliament, and other Acts and Writs founded on *hinc inde* in the Debate; They sustain the foresaid Declarator, as to the Members of the Colledge of Justice, their Immunitie and Exemption from payment of the Annuitie for the Ministers Stipends; And Decerns and Declares them free thereof, both as to bygonies and in time coming, and Suspends the Letters *simpliciter* for the same; and likeways sustains the Declarator, as to their Immunitie from Watching and Warding, and any Impositions for the same, and from payment of any Customs, Calfey-mails, Shoar-dues and other Impositions, laid on their Provisions of Meat and Drink for their Families, and their other Goods carried to, or from the Town, and collected at the Ports or other places within the Liberties of the Town; And Declares, that the producing a Certificate subscribed by a Member of the Colledge of Justice, bearing that the Goods or Provisions do properly belong to him, shall be sufficient for freeing them from payment of the said Customs and Impositions, the Certificate being renewed once in the half year at least: And Sustains the Declarator, as to the Pursuers Exemption from the Civil Jurisdiction of the Magistrats of *Edinburgh*, and Declares, that upon their proponing Declinator thereof, the Magistrats ought to desist from any Proceedor against them without necessity of Advocacion, and before Answer as to the Criminal Jurisdiction, and to that Point of the Declarator concerning the Pursuers Employing Un-freemen within the Town. The Lords Declare they will take Tryal what has been the former Custom as to both these points, and particularly what was done in the Cases mentioned in the Debate; And the Lords Ordain, that where a Taxation or Cess is imposed by Acts of Parliament, or Convention of Estates; To which the Members of the Colledge of Justice are or shall be lyable, that there be a special and distinct Stent made upon the Town and Suburbs for the *Quota* imposed, and so much more only as may defray the incident Charges of Collecting the same, wherein no Exemption shall be given to the Magistrats, Stent-masters or other persons, but that they be stented for their Proportions of these Impositions as well as other Inhabitants, and likeways, that the Tenements belonging to Trades be stented, and the Towns Common-good, where the same consists in Land or Fewdutes, and doth not bear Burthen with the Shire; but prejudice to the Town of *Edinburgh*, if they think fit to lay on the Proportions of these who have been in use to be exempted upon their own Neighbour, but not upon any Members of the Colledge of Justice: And to the end these Impositions war-

ranted by publick Authority may be equally laid on, and these of the Colledge of Justice, who are Heretors not burdened beyond their just Proportions. The Lords Declare, that they will from time to time Nominat one Advocat, and one Writer to the Signet for each Quarter of the Town, to meet with the Stent-masters, who shall be appointed by the Magistrats, at their taking of the Survey, and Valuation of the whole Tenements within the Burgh and Suburbs, and of the Trade of the Burgeses which is in use to be stented, and to bear a part of the Burthen of the Cels, and to be present at all their Meetings for imposing of the Stent, and to see that the Valuation be justly and equally made, and the Stent laid on accordingly, and for that effect, appoints the Magistrats to make Intimation of the time of the Stent-masters Meeting to the Lord President of the Session, the Dean of Facultie, and the Keeper of the Signet Ten days before in time of Session, and Twenty days in time of Vacance; And Appoints this method of Stenting, to begin and take effect for that Term of His Majesties Supply due and payable at Martinmas next, 1687, but prejudice to the Town of *Edinburgh*, to use execution for that Terms Supply which was payable at Martinmas last 1686, and the Whitfundays Term now ensuing, according to the Stent already imposed for these two Terms. And the Lords do Declare the persons following to be Members of the Colledge of Justice, who are to enjoy the Priviledges abovementioned, *viz.* The Lords of Session, Advocats, Clerks of Session, the Clerks of the Bills, the Writers to the Signet, the Deputs of the Clerks of Session, who serve in the Uter-House, and their Substituts for Registrations, being one in each Clerks Office, the three Deputs of the Clerks of the Bills, the Clerks of Exchequer, the Directors of the Chancellary, their Deput, and two Clerks thereof, the Writer to the Privy Seal, and his Deput; The Clerks of the General Registers of Sealings and Hornings, the Macers of the Session, the Keeper of the Minut Book, the Keepers of the Rolls of the Inner and Uter-House. And the Lords do extend the Priviledges foresaid to the persons following, *viz.* One actual Servant of each Lord of the Session, one Servant of each Advocat, four Extracters in each of the three Clerks Offices of the Session, two Servants imployed by the Clerk of Register in keeping the publick Registers, the Keeper of the Session-house, and the Keeper of the Advocats Library. It is always hereby Declared, that if any of these Servants and others, to whom the foresaid Priviledges are extended shall keep Merchant-Shops, Taverns or Ale-houses, or exercise any other Trade within the Burgh, they shall not enjoy any of the Priviledges abovementioned, and Ordains these presents to be recorded in the Books of Sederunt, and to be Printed.

*ACT concerning Decrets conform.*

June 22. 1687.

**T**HE Lords of Council and Session considering, that the custom heretofore observed, whereby Ministers of the Gospel have been in use to purchase Decrets conform, upon Desreets of Locality obtained by their Predecessors, is unnecessary, and inconvenient, and chargeable to the Ministers: Therefore the saids Lords do Declare, that where a Decreet of Locality is obtained by a Minister for his Stipend, any succeeding Minister needs not obtain a Decreet conform thereupon; but upon a Bill given in by him to the Clerk of the Bills, in the ordinary way, and production of his Presentation, Collation, and Institution, with the Decreet of Locality obtained by his Predecessor, Letters of Horning may be direct against these lyable in payment of his Stipend, and Declare, that any Execution which shall be used

used thereupon, shall be valid and sufficient; notwithstanding of any former custom or practice to the contrair;

*A C T* discharging Decrets to be delete in the Minute-book, for not payment of the Macers dues. June 30. 1687.

**T**HE Lords of Council and Session considering the prejudice the Leidges do sustain, by scoring of Decrets in the Minut-book, for not payment of the Macers and keeper of the Minut-book their dues; therefore they discharge any Decrets put up in the Minut-book, to be scored or delete upon that ground: And ordains the Clerks of Session, in their respective Offices, to appoint that person, who uplifts their own dues, also to Collect the dues payable to the Macers and keeper of the Minut-book, for Decrets Extracted in their Chambers, according to the Responde whereof the said Collector shall be lyable to make due payment to them: And ordains that the Responde-Book make mention of the date of the Decret Extracted; as the same stands in the Minut-book.

*A C T* for inserting all the Defenders names in the Minute-book. December 10. 1687.

**T**HE Lords of Council and Session considering the prejudice the Leidges do sustain, by the custom used in putting up in the Minut-book Decrets obtained by a Party, against several Defenders, expressing only one of their names, and comprehending the rest under the word, *and others*; Therefore they ordain, that in time coming the keeper of the Minut-book shall set down herein the Names and Designations of all the Defenders, against whom the Decret is given; with certification, that if any of their names be omitted, the Decret, as to that person, shall be void and null; excepting Decrets given against Tennents, in Poyndings of the Ground, Removing, and for Mails and Duties, wherein it shall be sufficient to mention them to be Tennents in such a Barrony or Tennendry; but if any of the Defenders Called; or a third Party Comparing; propone upon his Right, and Decret be given against him, his name is to be insert in the Minut-book: And the Lords Ordain, that in Process against Debtors, where an Advocate Compars for any of the Defenders, for whom he did not return the Process, that he shall mark with his hand upon the Process, for what person he Compars, and Subscribe the same, conform to the Act of Parliament, and that he be not allowed to propone a Defence for the Party, untill he do the same.

*The formula of the Oath in a Cessio Bonorum.*

February 8. 1688.

**T**HE Lords of Council and Session do Ordain, that in Process of *Cessio Bonorum*, the Pursuer shall give his Oath in the Terms following, viz. If he hath any Lands, Heretages, Sums of Money, Goods or Gear belonging to him, more than is contained in the Disposition, and Inventar produced in Process; if since his Imprisonment he hath made any other Disposition than that which is produced; and if he hath made any other before his Imprisonment, and if he acknowledge that he hath made any other Disposition before his Imprisonment, that he condescend upon the same, and also that he Depone, if since his Imprisonment he hath put out of his hands any Moneys, Goods or Gear belonging to him: And the Lords do Declare, that if the Pursuer shall deny that he hath granted any other Disposition, & that his Oath shall be thereafter redargued, the Decret of *Bonorum* obtained by him, shall



be void and null, and he shall never get the benefit of a *Cessio Bonorum* thereafter.

*ACT concerning Oaths in Exhibitions?*

February 22. 1688.

**T**HE Lords of Council and Session considering the inconveniencies to His Majesties Subjects, by Defenders called in Exhibitions or Incidents, for Exhibition or Production of Writs, their Deponing only in general terms, that they neither have, nor had the Writs since the Citation, or fraudulently have put the same away at any time. Therefore they Ordain, that in all time coming, Parties shall be obliged to answer to all special pertinent Interrogators, in relation to their having of the Writs, or putting the same away, or as to their knowledge and suspicion, by whom the same were taken away, or where they presently are, that the Pursuer may thereby make discovery, and recover the same. Declaring always, that upon advising of the Defenders Oaths, they shall not be otherways decerned against, as havens of the saids Writs, unless it be found that they had the same since the Citation, or fraudulently put them away at any time.

*ACT concerning Bills of Suspension, where the Reason is referred to the Chargers Oath.*

February 29. 1688.

**T**HE Lords of Council and Session, considering the prejudice the Lieges do sustain, by Suspensions raised frequently upon calumnious reasons, referred to the Chargers Oath; They Ordain, that in time coming, where Bills of Suspension shall be given in, and the reason offered to be proven by the Chargers Oath, that the Ordinary upon the Bills, if he find the reason relevant, shall take the Oath of the Charger, being present, upon the verity of the reason, in order to the passing or refusing of the Bill of Suspension; and if the Charger be absent, that he take Suspenders Oath of Calumny, that he hath just reason to propound the Reason of the Suspension; and he Deponing *affirmative*, or if he be not present to give his Oath, that in either of these cases, the Ordinary pass the Bill, with this Quality, that the Suspenders shall be liable to the Charges and Expences the Charger shall be at, through the purchasing of that Suspension, and in discussing of the same, according as he shall depone upon these Expences, without any modification thereof, if the Letters shall be found orderly proceeded.

*ACT concerning the trial of Advocats, who enter upon a Bill to the Lords.*

July 6. 1688.

**T**HE Lords of Council and Session, do Ratifie and Approve the form and manner of trial, which is at present, and hath been these several years bygone observed, as to such who enter Advocats upon trial, in the ordinary way, viz. By privat and publick Examination, and assigning them the Subject of a publick Lesson; and finding it expedient that some course be taken for regulating the entry of others, who are admitted extraordinarily upon a Bill to the Lords, They Ordain, that in time coming, when any persons shall apply to the Lords, to be entered Advocats, without undergoing the ordinary trial; they shall be examined by the Lords *in presentia*, concerning their knowledge of the Styles, the form of Process, and of the Principles of our Law, and that the Lords shall be well informed of their integrity and honest deportment, before they be admitted.

*ACT*

*ACT for marking the Names of the Witnesses Examined upon the Act.*  
 July 7. 1688.

**T**HE Lords Ordains, that the Ordinary who Examines Witnesses, immediately after the Examination, shall set down upon the Act or Warrant for Examination, the Names of the Witnesses Examined by him, and Subscribe the same: And the Lords Declares, they will have no regard to the Depositions of these Witnesses, whose names shall not be set down by the Lord Examiner, in manner foresaid.

*ACT, anent the Habit of Dyvours.*  
 July 18. 1688.

**T**HE Lords of Council and Session do ordain, that in time coming, when any Bankrupt shall raise a Process of *Cessio honorum* against his Creditors, that with the Process he produce a Certificat, under the hand of one of the Magistrats of the Burgh where he is Incarcerat, bearing, That he hath been the space of a Month in Prison; without which Certificat, the Process is not to be sustained; and when he shall obtain a Decreet, Ordains the Magistrats of the Burgh, before his Liberation out of Prison, to cause him take on, and wear upon his Head, a Bonnet, partly of a Brown, and partly of a Yellow Colour, with upper-most Hole, or Stockings, on his legs, half Brown and half Yellow coloured, conform to a Pattern delivered to the Magistrats of *Edinburgh*, to be kept in their Tolbooth, and that they cause take the Dyvour to the Mercat Cross, betwixt ten and twelve a Clock in the forenoon, with the foresaid Habit, where he is to sit upon the Dyvour Stone, the space of an hour, and then to be dismissed; and ordains the Dyvour to wear the said habit in all time thereafter; and in case he be found either wanting, or disguising the same, he shall lose the benefit of the *Bonorum*; And in case the Magistrats Certificat aforesaid shall be redargued, or that they shall not observe the said Order, in the Liberation of Dyvours, they shall be lyable in the Debt, for which the Dyvour is Incarcerat: And the Lords Declares, they will observe this Act in time coming; and will not dispense with the foresaid Habit, except in cases of innocent misfortune, liquidly Libelled, and proven. And appoints this Act to be Printed, and the Agent for the Royal-Burrows, to transmit a Printed Copy thereof to the Magistrats of each Burgh.

*ACT, anent Notars.*  
 July 21. 1688.

**T**HE Lords of Council and Session do Prohibite and Discharge Notars to subscribe Writs for persons, who cannot write themselves, unless it either consist in the Notars knowledge, that he for whom, and at whose command they subscribe, is the person designed in the Writ, or that the same be attested by these who subscribe witnesses to the Notars subscription, or by other credible persons, and which the Notar is to mention, when he subscribes for the Party. And to the end, that this Act may be known to all his Majesties Leidges, Ordains the same to be Printed.

*ACT, anent the Calling of Transferrings.*  
 July 26. 1688.

**T**HE Lords of Council and Session do Declare, that Summons of Transferring being seen and returned, may be called before the Ordinar, in the *Outer-house*, and that he may proceed therein, albeit the same be not Enrolled.

November 6, 1689.

**T**HE Lords of Council and Session considering, the Expence that must arise by Summons of Wakening of the whole Proceses depending before the Lords, and the Executions thereof through all the corners of the Kingdom, and if the ordinary Form of Warnings were necessary to be observed in this extraordinary Case, and withal considering that the Lords in extraordinary cases, have allowed Edictall Citations at the Mercat-Crosses; Do therefore for the ease of the Liedges, Appoint the keeper of the Signet to exped three Summons of Wakening for each Shire of the Kingdom, leaving a large Blank for inserting Proceses therein, and do hereby Ordain the Sheriff Clerk of each Shire, and the Clerks of the Stewartries of *Kircudbright* and *Orkney*; and in case of their absence or neglect, the Town Clerks of the Head-Burghs of the saids Shires and Stewartries, to insert all Proceses whereof he shal receive a Note before the second Mercat-day after the saids blank Summons comes to his Hand, and that he cause Cite all Persons and Parties residing within the Shire or Stewartrie upon six days, to appear before the Lords, for wakening the saids Proceses, and that he cause read the said Summons publickly at the Mercat-Cross betwixt ten and twelve on the said Mercat-day, after three several Oyesses, and that he affix a Copy of the said Summons, so filled up upon the Cross, and that he return the said Summons with Executions several, and particular, for each processe insert therein, with all possible diligence to one of the principal Clerks of Session, and that he make the like Citation upon the second blank Summons sent to him upon the next Mercat-day in manner foresaid, for all the Proceses whereof he shal receive a Note for the second before the said Mercat-day; And that he do the like on the next Mercat-day thereafter, as to the third Summons sent to him, and that he cause the Executor, sign all the several Executions, with the Witnesses that he Imploies therein *respectively*: Providing always, that he receive six Shilling Scots with each Note of the Proceses to be insert as aforesaid, for doing the Duties above-written, and for returning the Proceses to the Clerk, It is hereby Declared, that this is without prejudice to any Party that pleases to make use of Warnings in the ordinary form, and that it is only to be extended to such Proceses, as were not sleeping the first of *November 1688*, and since that time have not been called through the Surcease of Justice, and that there is no necessity to waken concluded Causes; ( The same having never been in use to be wakened ) which the Lords will advise, and proceed in according to the Books of Enrolment: Likeas, the Lords appoint the Pursuers, who have Benefit by this Order, to have their several Executions delivered to them by the Clerks of the Session, and appoints them to present Coppies of the said general Summons, to be formed by the Writers, and pass the Signet, as is usual in taking Summons of the Signet; And it is hereby Declared, that where Summons were formerly execute for the first Dyet, and the second Citation not given, that in that Case a new Summons may be raised in Name of Their Majesties, King *William* and Queen *Mary*, which shal suffice in place of a second Citation, and if the Summons have been execute for both Dyets, but not called, that the same may be wakened in the same manner, as is appointed by this Act for Summons, which have been called. And ordains this Act to be Printed and published by Maceis or Messengers at Arms, at the Mercat-Cross of *Edinburgh*, and Appoints the several Sheriff Clerks to cause publish the same



same at the Mercat-Cross of the Head-Burgh of the Shire, upon the next Mercat-Day after the same shall come to their hands; betwixt ten and twelve a Clock in the forenoon.

*A CT concerning Declinators proponed against the Ordinary in the Utter-House.* December 14, 1689.

**T**HE Lords of Council and Session considering; that sometimes Declinators are proponed against the Ordinary in the Utter-House, and it being no ways Just, that the Party on that Occasion should sustain prejudice by delay of the Process; Therefore, the Lords do Declare, that when the Ordinary in the Utter-House shall be declined upon relevant Grounds in Law; or that the Ordinary shall decline himself, that upon desire of the Ordinary, or application of the Party, They will Nominate and Appoint an other of their Number to call and discuss that Process in that same Week.

*Additional ACT concerning the Order of the Side Barr, and reporting of Causes.* January 16, 1690.

**T**HE Lords of Council of Session, Do renew the Act of Sederunt of the fourth of November 1686, anent the Order of the Lords going to the Side-Barr, and reporting of Causes, and Ordains the same to be duely observed in time coming, with the Additions following, *viz.* That the first named in the Roll of the two Ordinaries for the Side-Barr, shall go out betwixt Ten and Eleven, and the other betwixt Eleven and Twelve a Clock; And where any Act, Decreet, or Protestation being pronounced without Debate in the Cause, is thereafter stopped upon Application of one of the Parties, that the same is not to be called at the Side-Barr, but upon the Bench in the Utter-house, before the Ordinarie come out the next week at furthest after pronouncing thereof; And whereas it is Ordained by the said Act, that only two Lords in one day shall report Causes, The Lords Declares, that the Ordinary in the Utter-House, and the Ordinary on the Bills, are not thereby debarred from reporting, they being understood to be Supernumerary; And Ordains the foresaid Act of Sederunt, with thir additions thereto, to be affixed on the Wall of the *Utter-House*.

*ACT, concerning Aliments and Factors being lyable for Annualrent.*

*The last of July, 1690.*

**T**HE Lords of Council and Session taking to their Consideration, That they are frequently importuned by Parties having Actions depending before them, who apply to have Sums modified for their Aliment, during the dependence of these Actions; albeit it be doubtful, if there will be any free superplus due to them, which might be a ground for such a Modification; Therefore the saids Lords Declare, That in time coming they will grant no Aliment to Parties upon the account of Actions they have depending before them, unless it appear that there will be a free superplus Sum uncontrovertedly belonging to these persons, at the event of the Process, in consideration whereof a Sum may be modified in the mean time, for their present Aliment and Subsistence; and in case of Competition anent the Rents of Lands, upon real Rights, that no Aliment shall be given to any of the Competitors, until a Decreet of preference, ranking the whole Creditors, be obtained; unless there appear a clear Fond, out of which the Aliment may be granted, without prejudice of any other of the Competitors.

tor. Likewise it is further Declared, That where there is a Sequestration of Rents, and a Factor named by the Lords, that the Factor shall be lyable for Annualrent of what Rents he shall recover, or by diligence might have recovered within a year after the same are due, in respect the Factor cannot lawfully pay to any of the Competitors, until the preference be concluded; And in like manner, that no Alimēt shall be granted to Debtors, or persons having Right to a Reversion, or to the Property after the Distresses are purged, unless it be evident, that there is a superplus Rent over and above all the Annualrents of the persons Competing.

*ACT, for keeping the Innermost Barr of the Outer-House.*

November 6. 1690.

**T**HE Lords of Council and Session, Considering the inconveniency of the peoples crowding within the Innermost Barr of the Outer-House, where the Under-Clerks, and the Keeper of the Minut-Book stay, and the hazard that may ensue therefrom, of abstracting Processes and Papers, They Prohibit and Discharge any Persons to enter, or stay within the said Barr, excepting his Majesties Advocat and Sollicitor, and one Servant to be appointed by the Advocat, and Ordains the Little Door nearest the Bench, one the West-side thereof to be immediatly closed up. And the Lords requires the Macers to exact from each person, who shall be found within the said Barr, half a Dollar *toties quoties*, to be put in the Poors Box; and in case the Party do not pay the same immediatly, that they commit him to Prison. And the Lords Declares, That if the Macers shall spare any person, in not exacting the said Fine, that they shall be lyable therein themselves.

*ACT, concerning the Stopping of Decrets, and hearing the Cause thereafter.*

November 7. 1690.

**T**HE Lords of Council and Session do Ordain their Act of Sederunt, of the fourth of November 1686, with the Additions and Alterations thereof, by their Act of the 16th of January last, to be exactly observed, and to be affixed upon the Wall of the Outer-House, with the additions following; To wit, That the giving stops to Acts, Decrets, Protestations, or Interlocutors, within six days after pronouncing thereof, is not to hinder the Extracts of the same, after they are read in the Minut-Book; But on the contrair, Ordains the Clerks, to give Extracts as they shall be demanded; with all diligence, as they will be answerable; But only in case the Parties do not insist to obtain Extracts within twenty four hours after they are read in the Minut-Book. And further, in case Extracts be not insisted for, and obtained of the foresaid Sentences, wherein Parties have been heard upon the Bench, The Lords do further Declare, That no stop shall be granted, if the same shall not be obtained within six days after the date of the Sentence, craved to be stopped, and that no further time shall be granted, but the first Dyer that falls to the Granter of the stop, to be at the Side-Barr, in manner above-written. And it is further Declared, That no stop shall be Granted, unless he who craves the same, give in to the pronouncer of the Sentence craved to be stopped in write, the particular Points he desires to be heard upon, that the Ordinar may reject the same, unless he find a relevant Ground therein; And if thereupon he stop, that he shall give the other Party the said Condescendence to see, that both parties may be ready at Calling, that time be not spent with unnecessar altercations at the Side-Bar. And Ordains an Amaund to be given in to the Ordinary, with the said

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Condescendence, to be put in the Poors Box, in case the Process or Interlocutor therein be found to have been disingenuously represented in the Condescendence: And the Lords do Prohibite and Discharge any Servants of the Lords of Session, to Agent in Processes, or to deliver Informations to the Lords, except in their Masters own proper Causes, or where they are concerned themselves as Parties; And likewise Discharges the Clerks Servants to Agent in Processes, or to deliver Informations to the Lords, except in their Masters proper Causes, or their own, with Certification if they transgress, they shall be extruded the House, and further punished as the Lords shall see cause.

*ORDER for Printing the Act against Solicitation, and Observing of the same.*  
November 11. 1690.

**T**HE Lords of Council and Session do Ordain their Acts of Sederunt, of the 6th of November, 1677. and the 24th of December 1679. against Solicitation, to be Printed, and Affixed on the Wall of the Outer-house, and Ordains these Acts to be observed in all points. Likeas, the present Lords have engaged upon their Honour, to observe the same: and ordains that each Session the Lords shall renew that Engagement. This Subscribed by the Lords *ut Sederunt*.

*A C T concerning the manner of delivering Informations to the Lords,*  
November 29. 1690.

**T**HE Lords of Council and Session taking to their serious consideration the great inconveniency of Solicitation, which creates diffidence in these who have not acquaintance or friends to recommend them, that they are not equally stated, and puts them to a necessity to go to every Lords Lodging, imagining that if they do not, that he may think he is either despised, or distrusted, which is a slavery upon the Leidges, upon the Lords, and upon the Lawyers, who are frequently urged by their Clients to go with them, or for them to sollicite the Lords: Therefore to prevent so evil a custom, which is contrary to several Acts of Sederunt, and contrary to the practice of the most civil Nations abroad, The Lords have renewed and enlarged the Acts of Sederunt against Solicitation; And because they find the chief occasion of Solicitation, is the pretence that the Liedges think they are not secure that the Lords get their Informations, unless they deliver them in their own hands, and thereupon take occasion to sollicite; for preventing whereof, and for easing the Liedges, themselves, and the Lawyers, They, according to the example of the most famous Judicatories abroad, have appointed Boxes for every one of the Lords, to stand on a Bank in the Session-house, from three a-Clock till seven a-Clock at night, each Box having a slit, in which the Informations or Bills may be let in, and cannot be drawn out, until the Box be opened; the Key whereof is to be kept by every Judge himself, and to be committed to no other; and each Lord is to send for his Box at seven a-Clock at night, that he may have competent time to peruse all the Informations therein, and to consider the same, and the Citations alledged in the same, whereby none of the Liedges can be put to trouble to attend any of the Lords, for giving their Informations, Bills, or Answers. Therefore the Lords do Declare, that they will receive no Informations, Bills, or Answers, in any other way, and that the receiving the same any other way, shall be holden as Solicitation, except these Lords who are to report, who may receive the Informations of the Parties, being delivered to the Clerk of the Process, and by the Clerk, with the Pro-



cess, to the Reporter. And because Parties do frequently forbear to give their Informations, through negligence, or of purpose to see their Adversaries Informations, before they make their own: And likewise, the Lords sometimes are not ready to report, when they have received Informations, whereby the rest of the Lords are uncertain what will be reported every day, and are necessitated to read much more than they needed: Therefore it is appointed, that every Reporter shall before seven a-Clock at night, put a Note in each Box, of the Parties, whose Process he is to report the next day.

*A C T concerning the time of Signing Interloquitors by the Ordinary.*

December 13. 1690.

**T**HE Lords of Council and Session, considering the inconveniencies that do fall out through the delay of Signing Interloquitors by the Ordinary, after the same are pronounced; therefore they Ordain, that in time coming, where any *Ad*, Decree or Protestation is pronounced by the Ordinary in the Outer-house in absence, the Warrant thereof shall be Sign'd by him before he go off the Bench; and where any Interloquitor is pronounced by the Ordinary in the Outer-house upon Debate, that the same shall be presented to him, to be Signed that day whereon the Interloquitor is pronounced, or the next day thereafter, except these pronounced upon *Friday* and *Saturday*, which are to be Signed at furthest upon the *Munday* thereafter, otherwise that the same shall not at all be Signed, but the Process shall be entered again in the Books of Enrolment. And the Lords Declares, that they will attend from six to seven a-Clock at night, for Signing the saids Interloquitors. Likeas, the saids Lords do Ordain, that where a Cause is taken by the Ordinary in the Outer-house to Interloquitor, to be reported to the whole Lords, the Process shall be brought to the Ordinary, as follows, *viz.* The Process taken to Interloquitor upon *Tuesday*, to be brought to the Ordinary upon *Wednesday*, to be reported upon *Thursday*; and these taken to Interloquitor on *Wednesday*, to be brought to the Ordinary on *Thursday*, to be reported on *Friday*; and the Process taken to Interloquitor on *Thursday*, *Friday* and *Saturday*, to be brought to the Ordinary on *Munday* thereafter, to be reported on *Tuesday* or *Wednesday* following; with certification, that if the same be not done, the Process shall go to the Roll again.

*A C T Ordaining Processes to be delete, where the Pursuer does not insist.*

December 20. 1690.

**T**HE Lords Ordains, that where Causes are called in the Roll of the Outer-house, and the Pursuers Procurators do not insist, that the Process shall be delete out of the Roll, and not continued to the next Weeks Roll.

*A C T anent the Collecting of the Macers Dues for Decrees:*

December 31. 1690.

**T**HE Lords of Council and Session considering, that by the way now used of receiving the Macers and Keeper of the Minut-book their Dues for Decrees, by the Clerks Servants, who Extract the same, the Macers are sometimes frustrat or delayed in the payment thereof; Therefore the Lords do Ordain the Keeper of the Minut-book in time coming, to Collect the Dues payable to the Macers and himself for Decrees, and to make payment thereof to them, as they shall require the same; and Prohibits and Discharges any Decrees to be Extracted after the sixth of *January* next, un-

till a Certificat be produced to the Clerks Servant, Extracter of the Decree, under the hand of the Keeper of the Minut-book, bearing the Macers dues for that Decree to be payed to him: With Certification, that the Extracter who shall contraveen, shall be extruded out of the Chamber, and otherways punished as the Lords shall think fit: And for that effect, that the Clerks make their *Responde-Books* patent to the Macers, and Keeper of the Minut-book.

*ORDER concerning the time of putting Informations in the Boxes.*  
June 2. 1691.

**T**HE Lords of Council and Session do Ordain their Act of the Twentieth ninth of *November*, 1690. Anent the manner of delivering Informations, to be duly observed, with this alteration, That whereas by the Act, the Boxes wherein the Informations are to be put, are appointed to stand in the Session-house from Three to seven a-Clock at night. The Lords Ordains, that for this Session the Boxes shall only remain in the Session-house until Six a-Clock, and that then the same be taken away, that the Lords may have competent time to peruse their Informations.

*ACT appointing a List to be affixed on the Wall, of Causes to be called at the Side Bar.*  
June 10. 1691.

**T**HE Lords of Council and Session do Ordain, that each Lord, when he falls in course to be Ordinary at the Side-Bar, shall the day preceeding, before Three a-Clock in the Afternoon, cause affix upon the Wall of the Outer-house, a Note or List of the Causes to be called by him the next day, to the effect the Advocats for the Parties concerned in these Causes may be in readines to Debate at Calling thereof; and appoints the like to be done by the Lord who goes out, and calls on the Bench in the Outer-house (before the Ordinary come out) any Process wherein he hath pronounced Act, Decree, or Protestation without Debate, and thereafter stopped by him, or referred to him by the Lords. And it is hereby Declared, that the Advocats shall not be obliged to Debate in any Process, which shall not be contained in the foresaid Note.

*ACT allowing the Ordinary for the Outer-house, to call Causes on the Bench the Week after he is Ordinary.*

July 7. 1691.

**T**HE Lords of Council and Session do Declare, that to prevent the confusions at the Side-Bar, the Ordinary in the Outer-house, after his Week is ended, will sit in the Outer-house the Week immediatly following, half an hour before the Session-Bell Ring, till the Ordinary in that Week come out, that he may hear Parties upon any Alledgance, for altering any Sentence or Interloquitor given by him in his Week, Provided that the Alledgance be delivered in Writ to him, if he find it just or doubtful, and will form a Roll of such Alledgances, and send the samen to the Clerks, that these concerned may take a Copy thereof, and be in readines, and that he will stop nor alter no Interloquitor nor Sentence otherways. And the Lords Declares; that they will meet during this Session at half nine a-Clock.

*ACT Ordaining Letters under the Signet, to be Subscribed at the Juncture of the Sheets.*

July 8. 1691.

**T**HE Lords of Council and Session do Ordain, that in time coming all Letters consisting of more Sheets than one, which pass the Signet, as well Suspensions as others, (excepting only Summons) be Subscribed by the Writers to the Signet upon the Margine, at the Juncture of the Sheets, in the same manner as is done by the Clerks of Session in Extracts passing their Offices.

*ADDITION to the Formula of the Oath in a Cessio Bonorum.*

July 18. 1691.

**T**HE Lords of Council and Session do Ordain the Act prescribing the Formula of the Pursuers Oath in a Process of *Cessio Bonorum*, to be observed with this Addition to the Formula, viz. That the Pursuer Depone if he hath cancelled or put out of his hands any Writs, since his Imprisonment, and if he acknowledge the same, that he condescend what these Writs were:

*ACT concerning the tryal of Nottars.*

July 30. 1691.

**T**HE Lords of Council and Session, considering the inconveniencies that do ensue from the ignorance and informality of Nottars, which occasions many Pleys; they Ordain, that in time coming no person be admitted Nottar, unless a Petition be given in to the whole Lords *in presentia*, with a Certificat under the hands of Persons of Credit, attesting the Petitioner to be a Person of good Fame, and that he hath had good Breeding, for qualifying him to exerce the Trust of a Publick Nottar; and that exact Tryal be taken by the Ordinary on the Bills for the time, and any other of the Lords to be appointed by them (being both met together) of the Persons Knowledge and Qualifications, conform to the Acts of Parliament which are in vigour, before he be admitted Nottar.

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**F I N I S.**

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OF THE

ACTS of SEDERUNT,

OF THE

# L O R D S

OF THE

# S E S S I O N,

Past since February, 1681.

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